

MAR 02 2007**PATENT**
Atty Docket No.: 10018744-1**In The U.S. Patent and Trademark Office****In Re the Application of:****Inventor(s):** Zhichen Xu et al.**Confirmation No.:** 6233**Serial No.:** 10/084,436**Examiner:** Samson B. Lemma**Filed:** February 28, 2002**Group Art Unit:** 2132**Title:** INCREASING PEER PRIVACY**MAIL STOP APPEAL BRIEF-PATENTS**

Commissioner for Patents

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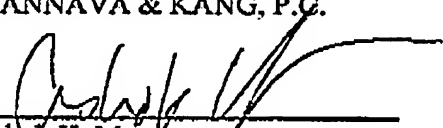
1 sheet of Transmittal Letter for Reply Brief.

11 sheets of Reply Brief.

Respectfully submitted,

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March 2, 2007


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PATENT APPLICATION

ATTORNEY DOCKET NO. 10018744-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Zhichen Xu et al.

Confirmation No.: 6233

Application No.: 10/084,436

Examiner: Samson B. Lomma

Filing Date: Feb. 28, 2002

Group Art Unit: 2132

Title: INCREASING PEER PRIVACY

Mail Stop Appeal Brief-Patents
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TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in triplicate is the Reply Brief with respect to the Examiner's Answer mailed on Jan. 4, 2007. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

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Attorney Docket No.: 10018744-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Inventor(s):** Zhichen Xu et al.**Confirmation No.:** 6233**Serial No.:** 10/084,436**Examiner:** Samson B. Lemma**Filed:** February 28, 2002**Group Art Unit:** 2132**Title:** INCREASING PEER PRIVACY**MAIL STOP APPEAL BRIEF - PATENTS**

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REPLY BRIEF - PATENTS

Sir:

The Appellants respectfully submit this Reply Brief in response to the Examiner's Answer mailed on January 4, 2007, and thus this Reply Brief is timely filed within two months of the Examiner's Answer.

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(1) Status of Claims

Claims 1-36 are pending and rejected. All pending claims are hereby appealed.

(2) Grounds of Rejection to be Reviewed on Appeal

Whether claims 1-36 are unpatentable over Walker et al. (5,862,223), referred to as Walker, in view of Herz (6,460,036).

Claim 4 was objected to in the final rejection mailed 4/10/06 because it depends on itself. This objection is not being appealed. As correctly noted in the objection, claim 4 was intended to be dependent on claim 3, and claim 4 will be amended accordingly if prosecution is re-opened.

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(3) Arguments

Claims 1-36 were finally rejected as being unpatentable over Walker in view of Herz. In the Examiner's Answer, on pages 11-19, the Examiner has provided many new arguments and is now relying on several newly cited passages of Walker to allegedly teach the features of independent claims 1, 14, 18, 22 and 24. The Applicants respectfully submit that Walker in view of Herz still fails to teach or suggest multiple features of the independent claims. The following remarks with respect to independent claims 1, 14, 18, 22 and 24 are in response to Examiner's new arguments presented in the Examiner's Answer on pages 11-19.

Arguments With Respect to Claim 1

- Claim 1 recites peers include computing platforms and "determining whether a data provider exists that stores the requested data, wherein the data provider is a peer of the peers."

On pages 10-13 of the Examiner's Answer, the Examiner provides three new arguments as to Walker allegedly teaching the claimed feature of "determining whether a data provider exists that stores the requested data, wherein the data provider is a peer of the peers." First, on page 10, the Examiner alleges column 18, lines 23-30 teaches the claimed feature. This passage of Walker discloses that expertise may be provided by a conventional expert system instead of a human expert.

Even if the expert in Walker is a conventional expert system, Walker fails to teach determining whether a conventional expert system stores requested data. This determination is not performed in Walker. Instead, the expert system always receives input, such as key

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words from the user request, and generates an output. No determination is made as to whether the expert system stores the requested data before the output is generated.

Furthermore, the output of the expert system is not necessarily data that was previously stored in the expert system. Instead, the output may be derived from the input based on a set of rules. Thus, the output of the expert system, which is allegedly "the requested data" based on this interpretation of Walker, may not have been previously stored in the expert system. If Walker makes a determination of whether the expert system stores the requested data, the expert system may never be selected for use as an expert for responding to a user's application because the expert system does not necessarily store the requested data.

In the second argument, which is described on page 11 of the Examiner's Answer, the Examiner relies on column 20, lines 1-27 of Walker. The Examiner indicates that this passage of Walker discloses searching a request database 265 for similar end user requests to avoid unnecessary duplication of work.

This passage of Walker is directed to determining whether similar requests were received, and is not directed to determining whether a data provider storing the requested data exists. Walker discloses if a similar request is identified, the user is given the option of purchasing the "associated expert answer". However, the associated expert answer is associated with a similar request and is not necessarily an answer to the user's request. This is supported by the disclosure in Walker that the user is given the option to purchase the "associated expert answer" instead of automatically providing the "associated expert answer" as the answer to the user's request. Thus, Walker discloses searching for similar user requests to identify an "associated expert answer" that the user is given the option to

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purchase. However, Walker fails to teach or suggest determining whether a data provider storing the requested data exists.

Thirdly, on pages 12 and 13, the Examiner is relying on yet another, different passage in Walker for selecting qualified experts as an alleged teaching of the claimed feature. As indicated in the Appeal Brief, determining whether an expert is qualified is not the same as determining whether a peer exists that stores requested data. A qualified expert may not store the requested data. Instead, the qualified expert may derive an answer to the user's application based on his or her expertise.

- Claim 1 recites, "selecting a plurality of the peers to form a path between said data provider and said data requestor, wherein said data provider and said data requestor are the respective ends of said path."

On page 15, the Examiner alleges that Walker discloses selecting a plurality of the peers to form a path between said data provider and said data requestor, because Walker discloses an anonymous mix in column 35, lines 1-29. In that passage, Walker discloses using an anonymous mix 180 to maintain anonymity between two people. The two people are the people sending and receiving information. There is no path formed by Walker between the two people. Walker fails to teach or suggest selecting multiple peers to be used in a path between the two people.

Also, to allegedly teach this claimed feature, the Examiner appears to be relying on the Applicants argument in the Appeal Brief with respect to a routing protocol for determining the path as data is transmitted to a destination rather than the peers in the path being predetermined or otherwise pre-selected. As stated in the Appeal Brief, the data sent to

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the requestor may follow a network path when transmitted to the requestor, but the path is not necessarily predetermined. Instead, a routing protocol may possibly determine the path as the data is being routed to the requestor. Claim 1 includes selecting peers to form a path; generating a mix including the anonymous identities of each of the selected peers; and transmitting the mix to the data provider. If a routing protocol determines the path as the data is being routed to the requestor, then a mix including all the peers in the path cannot be determined until the data reaches the destination. Thus, the mix including all the anonymous identities of the peers cannot be transmitted to the data provider until the data reaches its destination, which renders the anonymous mix useless because the data has already been transmitted to its destination.

Furthermore, the Examiner appears to allege that selecting a plurality of the peers is inherent in Walker, because if the experts' answers come from a plurality of experts for the same data request, the controller will inherently form a path between said provider and data requestor.

On the contrary, the controller may simply forward the answers from each expert to the user. The controller does not select a plurality of peers for a path between each expert and the user.

- Claim 1 also recites, "generating a mix according to said path, wherein the mix includes an anonymous identity of each of the plurality of peers in the path; and transmitting said mix to said data provider."

Claim 1 recites a mix including an anonymous identity of each of the plurality of peers selected for the path. Neither Walker nor Herz teach or suggest including in a mix an

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anonymous identity for each of a plurality of pre-selected peers for a path. On page 17 of the Examiner's Answer, the Examiner alleges that as explained in his previous arguments Walker discloses a selection of peers to be used in the mix. Walker discloses using an anonymous mix 180 to maintain anonymity between two people. Neither Walker nor Herz teach or suggest the identity of each of plurality of pre-selected peers in a path is made anonymous.

The Examiner also alleges on page 18 of the Examiner's Answer that the mix procedure of Herz discloses pre-selecting the peers to be used in the mix, because the message is transmitted along the pseudonymous mix path specified by the return envelope set.

The return envelope set of mixes are described in Herz as an anonymizing mix protocol as taught by D. Chaum in the paper titled "Untraceable Electronic Mail, Return Addresses, and Digital Pseudonyms", Communications of the ACM, Volume 24, Number 2, February 1981. This mix procedure provides untraceable, anonymous e-mail between two parties. See column 34, line 61-column 35, line 40. However, as indicated in the Appeal Brief, Herz fails to teach or suggest multiple peers in a path are pre-selected. The peers may be selected as the message is transmitted.

Furthermore, Herz fails to teach or suggest that the alleged multiple pre-selected peers are anonymous. In fact, the alleged multiple pre-selected peers in Herz would not be anonymous, because the sender of the message must know the pre-selected peers to create and send the message in the envelope. In the cited passage of column 39, line 66-column 40, line 6, Herz discloses that the response message is embedded in the return envelope set. To embed a response in a return envelope set, the identity of each of the alleged pre-selected peers must be known, because the message is embedded in the most deeply nested portion of

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the message (see column 39, lines 3-23 of Herz). Thus, the identities of the alleged pre-selected peers would not be anonymous.

Arguments with respect to independent claims 18, 24, 14 and 22

Independent claim 18 recites the peers include computer platforms and the following:

determine whether a data provider exists that stores the requested data; wherein the data provider is a peer of the peers;

select a plurality of the peers to form a path between said data provider and said data requestor, wherein said data provider and said data requestor are the respective ends of said path;

generate a mix according to said path, wherein the mix includes an anonymous identity of each of the plurality of peers in the path; and

transmit said mix to said data provider.

Independent claim 24 recites similar features. These features are not taught or suggested by Walker in view of Herz for the reasons stated above with respect to claim 1. Accordingly, it is respectfully submitted that the Examiner failed to establish a *prima facie* case of obviousness against claims 18-21 and 24-36. Consequently, it is respectfully submitted that these claims are allowable over the prior art of record.

Independent claim 14 recites receiving a mix wherein the mix includes an anonymous identity of each of a plurality of peers in a path between a data provider and a data requestor in the network. Thus, the mix includes a plurality of pre-selected peers between the data provider and the data requestor. Independent claim 22 recites features similar to the features described above with respect to independent claim 14. Walker in view of Herz fails to teach or suggest these features for the reasons stated above with respect to claim 1.

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Arguments with respect to dependent claims 8, 9, 17, 31 and 32

The Examiner has failed to respond to any arguments concerning these dependent claims, and these claims are believed to be allowable for the reasons stated below, which are repeated from the Appeal Brief.

Dependent claims 8, 9, 17, 31 and 32 are believed to be allowable for at least the reasons their respective independent claims are believed to be allowable. Furthermore, these claims recite a decoy mix.

According to an embodiment described in the Applicant's specification, the mix may include a decoy or fake mix, and the fake mix is one embodiment for keeping the identity of the data requestor anonymous from a last peer in the mix before the data requestor. See page 19, lines 15-22.

The claimed decoy mix is not mentioned in the rejection of these claims. Also, the claimed decoy mix is not taught or suggested by Walker in view of Herz.

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(8) Conclusion

For at least the reasons given above, the rejections of claims 1-36 are improper.

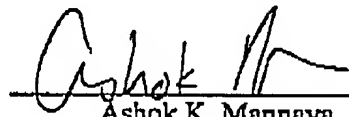
Accordingly, it is respectfully requested that such rejections by the Examiner be reversed and these claims be allowed. Attached below for the Board's convenience is an Appendix of claims 1-36 as currently pending.

Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

March 2, 2007

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